## KERN AUGUSTINE CONROY & SCHOPPMANN, P.C.

1120 Route 22 East Bridgewater, New Jersey 08807 (908) 704-8585 Attorneys for Defendant RC-8922

) UNITED STATES DISTRICT COURT DR. FADI CHAABAN; DR. SABINO R. TORRE; ) DISTRICT OF NEW JERSEY DR. CONSTANTINOS A. COSTEAS and DR. ANTHONY J. CASELLA, as Trustees of Civil Action Diagnostic & Clinical Cardiology, P.A. ) Case No. 2:08-cv-1567 (GEB-MCA) Profit Sharing Plan, Plaintiffs, ) NOTICE OF MOTION FOR ) LEAVE TO FILE THIRD-PARTY, v. ) COMPLAINT, PURSUANT ) TO FED. R. CIV. P. 14(a) DR. MARIO A. CRISCITO, Defendant, and DR. MARIO A. CRISCITO, Third-Party Plaintiff, ٧. AMERICAN PENSION CORPORATION; BRIAN P. WARNOCK and DOMINIQUE SANDRA ECK, Third-Party Defendants.

## TO: STEPHEN M. CHARME, ESQ.

Witman Stadtmauer, P.A. 26 Columbia Turnpike Florham Park, NJ 07932-2246 Attorneys for Plaintiffs PLEASE TAKE NOTICE THAT, on June 9, 2010, at eleven-thirty o'clock in the forenoon.

or as soon thereafter as counsel may be heard, the undersigned, counsel for the defendant, Mario A.

Criscito, M.D., shall move before the Honorable Madeline Cox Arleo, U.S.M.J., United States

District Court for the District of New Jersey, at the Dr. Martin Luther King, Jr., Federal Building and

United States Courthouse, Courtroom 2A, 50 Walnut Street, Newark, New Jersey 07102, for an

Order granting leave to file a third-party complaint against the above-named third-party defendants.

pursuant to Fed. R. Civ. P. 14(a).

PLEASE TAKE FURTHER NOTICE THAT, in support of the within motion, the moving

party shall rely upon the accompanying brief and declaration. A proposed third-party complaint, and

a proposed form of Order, are submitted herewith.

PLEASE TAKE FURTHER NOTICE THAT the undersigned requests oral argument on

the within motion, which has been granted by text Order dated April 14, 2010.

KERN AUGUSTINE

CONROY & SCHOPPMANN, P.C.

Attorneys for Defendant

By: s/Robert J Conroy

Robert J. Conrov

Dated: Bridgewater, New Jersey

April 26, 2010

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**DECLARATION OF FILING AND SERVICE** 

I hereby declare that the within Notice of Motion, Brief, Declaration of Counsel, proposed

Third-Party Complaint and proposed form of Order were filed electronically this date via the Court's

CM/ECF system, with copies simultaneously provided to counsel for the plaintiffs via the same

method.

I declare under penalty of perjury that the foregoing statements made by me are true and

correct.

Robert J Conroy

Dated: Bridgewater, New Jersey

April 26, 2010